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10/034,830

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Norikazu Kunikata

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04/06/2005

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EXAMINER

PATHAK, SUDHANSHU C

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/034,830 | Applicant(s) KUNIKATA, NORIKAZU | |
| | Examiner Sudhanshu C. Pathak | Art Unit 2634 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 26th, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on December 26th, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-to-12 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11 & 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims refer to a digital mixer implementing a signal path selector; this is described in the specification referring to Fig. 16 (Specification, Page 22, line 2), however the specification discloses only fifteen figures (Fig. 1-to-Fig. 15) (Specification, Page 5, line 10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 & 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masayuki (Japanese Unexamined Patent Publication No. 11-215078) in view of Bailey et al. (5,909,180).

Regarding to Claims 1, 4-6 & 8-12, Masayuki discloses a method of selectively providing a desired electric signal path or paths between a plurality of input means such as input terminals and a plurality of output means such as output terminals (Abstract, lines 1-18). Masayuki also discloses a selection for selecting of a plurality of input means and any of a plurality of output means for creation of a signal path therebetween (Abstract, lines 10-18). Masayuki also discloses implementing the signal path selector in a mixer (Abstract, lines 1-18 & Figure). However, Masayuki does not disclose a manual actuation for selecting of a plurality of input means and any of a plurality of output means for creation of a signal path therebetween; constantly monitoring the input select means and the output select means to determine whether any of the input means and any of the output means are selected for creation of a signal path therebetween; canceling, when any one input means and any one output means are selected for creation of a signal path therebetween, a pre- existing signal path, if any, between the selected input means and any unselected output means and between any unselected input means and the selected output means whereby each desired signal path can be created to the exclusion of any preexisting signal path between the input means and the output means that might interfere with the creation of the desired signal path; and a indicator means for displaying the status of the signal path.

Bailey discloses a method for electrical distribution (system) to control current path through a plurality of circuit breakers (signal paths) between input/output terminals (Abstract, lines 1-5 & Column 1, lines 10-67 & Column 2, lines 1-25).

Bailey also discloses implementing a manual actuation to select a desired circuit breaker (signal path) (Fig. 5a, elements 100, 106 & Column 9, lines 23-33 & Column 10, lines 12-40). Bailey also discloses a process of monitoring the plurality of circuit breakers (signal paths) so as to determine the status of each circuit breaker (signal path) (Abstract, lines 7-11 & Column 1, lines 5-10, 19-25, 45-54, 63-67 & Column 3, lines 48-67 & Column 10, lines 1-12). Bailey also discloses a "program/review" wherein the status of the (selected) circuit breakers (signal paths) can be modified (selected) and canceling the (previous) pre-existing status of the selected circuit breakers (Column 11, lines 1-67 & Column 12, lines 1-25 & Fig. 5a, elements 106-114). Bailey also discloses indicator means for visually indicating the status of the circuit breaker (signal path) (Column 9, lines 40-58 & Column 10, lines 1-12 & Fig. 5a, element 90 & Fig. 8, elements "RUN", "HALT", "OPEN"). Bailey also discloses a control panel (Fig. 5a, element 96). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Bailey teaches a method (system) for electrical distribution between a plurality of inputs and outputs, wherein the circuit breaker status can be modified so create a signal path between an input and output terminal, comprising a manual actuation for selecting an input terminal, monitoring the status of each signal path, and canceling the previous status of the path when a new status is selected and this can be implemented in the system as described in Masayuki so as to provide a switching mechanism between to create a signal path between a plurality of input means such as input terminals and a plurality of output means such as output terminals, so as to remotely monitor and control the

signal paths. Furthermore, there is no criticality in creating a signal path between an input and output terminal to the exclusion of any pre-existing signal paths between the terminals, this is a matter of design choice and the algorithm can be implemented in the microprocessor.

Regarding to Claims 2 & 7, Masayuki in view of Bailey discloses a method of selectively providing a desired electric signal path or paths between a plurality of input means such as input terminals and a plurality of output means such as output terminals comprising a manual actuation for selecting a plurality of input terminals and a plurality of output terminals, constantly monitoring the input and output means for the creation of the signal path, canceling the previous signal path when a current signal path is selected wherein the desired signal path can be created to the exclusion of any preexisting signal path as described above. Bailey also discloses a microprocessor comprising electrically alterable non-volatile memory, which may be programmed by the user to contain specific information for operating each of the circuit breakers (Column 5, lines 39-51). Bailey also discloses storing the history of the circuit breaker activity in the memory for maintenance (Column 5, lines 51-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Bailey teaches storing the status of circuit breakers (signal paths) and this can be implemented in the method (system) as described in Masayuki for maintenance purposes. Furthermore, there is no criticality in storing the present status of the signal path and even though this is not done in the Bailey reference this is a matter of design choice.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masayuki (Japanese Unexamined Patent Publication No. 11-215078) in view of Bailey et al. (5,909,180) in further view of Ogino et al. (6,100,792).

Regarding to Claim 3, Masayuki in view of Bailey discloses a method of selectively providing a desired electric signal path or paths between a plurality of input means such as input terminals and a plurality of output means such as output terminals comprising a manual actuation for selecting a plurality of input terminals and a plurality of output terminals, constantly monitoring the input and output means for the creation of the signal path, canceling the previous signal path when a current signal path is selected wherein the desired signal path can be created to the exclusion of any preexisting signal path as described above. However, Masayuki in view of Bailey does not disclose selecting by actuating the input and output means concurrently.


Ogino discloses teaches pressing a predetermined buttons (concurrently) so as to select a mode of operation (Column 14, lines 19-27 & Fig. 17, elements s84, s86, s90, s92). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that Ogino teaches pressing push buttons concurrently so as to select a mode of operation and this can be implemented in the system (method), so as to select a combination of input and output selected path, thus satisfying the limitation of the claim.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, it is recommended to the applicant to amend all the claims so as to be patentable over the cited prior art of record. A detailed list of pertinent references is included with this Office Action (See Attached "Notice of References Cited" (PTO-892)).
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhanshu C. Pathak whose telephone number is (571)-272-3038. The examiner can normally be reached on M-F: 9am-6pm.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)-272-3056
 - The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
 - Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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